

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

OSSEO IMAGING, LLC,

Plaintiff,

v.

CARESTREAM DENTAL LLC,

Defendant.

Case No. _____

Jury Trial Demanded

COMPLAINT FOR PATENT INFRINGEMENT

Plaintiff Osseo Imaging, LLC, (“Osseo”) brings this action against defendant Carestream Dental LLC (“Carestream”) and hereby alleges as follows:

THE PARTIES

1. Osseo is a limited liability company organized and existing under the laws of Kansas and having a place of business at 24 North Shore Drive, Lake Ozark, MO 65049. Osseo is the owner of a family of patents relating to dental imaging systems including U.S. Patent Nos. 6,381,301 and 8,498,374 (the “’301 Patent” and the “’374 Patent”, respectively; collectively referred to as the “Osseo Patents.”)

2. Upon information and belief, Carestream is a limited liability corporation, incorporated in Georgia, with a principal place of business at 3625 Cumberland Boulevard, Suite 700, Atlanta, Georgia 30339.

3. Carestream has made, used, sold and offered for sale and makes, uses, sells, and offers for sale in the United States its CS 9600, CS9300, CS 9000, CS 8200 3D, and CS 8100 3D scanners and related software which embody systems for tomographically modeling a dental structure.

JURISDICTION AND VENUE

4. This action arises under the Patent Laws of the United States, 35 U.S.C. § 1, *et seq.* This Court therefore has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Carestream because it directly committed one or more acts within the state of Georgia giving rise to this action. Carestream committed acts of patent infringement in this District by, among other things, having made, used, offered for sale, sold, and imported the Accused Systems (defined *infra*). Further, Carestream is incorporated in Georgia and regularly conducts business in Georgia, including in this District, and purposely avails itself of the privileges of conducting business in Georgia and this District, specifically in connection with having made, used, offered for sale, sold, and imported the Accused Systems.

6. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391(b), 1391(c), 1391(d), and 1400(b) because Carestream has transacted

business in this District, has committed acts of patent infringement in this district, and has a regular and established place of business in this District.

FACTS COMMON TO ALL COUNTS

The Osseo Patents

7. On April 30, 2002, the '301 Patent entitled "Dental and orthopedic densitometry modeling system and method," a copy of which is attached hereto as *Exhibit A*, was duly and legally issued by the United States Patent and Trademark Office to Ronald E. Massie ("Mr. Massie") as the sole inventor.

8. The application leading to the '301 Patent, United States Patent Application No. 09/452,348, was filed on December 1, 1999. The '301 Patent expired on December 1, 2019.

9. On July 30, 2013, the United States Patent and Trademark Office duly and legally issued the '374 Patent also entitled "Dental and orthopedic densitometry modeling system and method," a copy of which is attached hereto as *Exhibit B*, to Mr. Massie.

10. The application leading to the '374 Patent, United States Patent Application No. 13/619,356 was filed on September 14, 2012. The '374 Patent shares the same specification with and claims priority to the '301 Patent. The '374 Patent expired on December 1, 2019.

11. The Osseo Patents were assigned to and are owned solely by Osseo on January 23, 2013.

12. In general, the Osseo Patents teach improved dental X-ray imaging systems for generating tomographic models of dental structures which include densitometric data. (*See, e.g.*, '374 Patent at 1:25-31.) The densitometric data generated by the patented systems include quantitatively calculated bone density values which can assist the dentist in making treatment decisions such as where and how to place an implant. (*See, e.g.*, '301 Patent at 2:18-30; '374 Patent at 2:31-42.) Tomographic modeling is performed when information is merged from multiple tomographic scans of an object to produce, *e.g.*, a 3D representation of a patient's teeth, jaw, and other dental bones. (*See, e.g.*, '301 Patent at 2:54-61; '374 Patent at 2:65-3:5.)

13. The Osseo Patents describe various embodiments of the dental imaging system which comprise a combination of hardware devices including a controller, input/output devices, a positioning motor, and x-ray generation and sensing equipment, collectively configured to generate and store tomographic models of a patient's dental structures. (*See, e.g.*, '374 Patent at 4:2-5:30; Figs. 1-2.) The systems also include software to capture, process, and store the 3D tomographic

models for use by a dentist and, in some embodiments, help the dentist compare such tomographic models with previously generated models.

14. Osseo has successfully enforced and licensed the Osseo Patents. Three companies in the business of making and selling dental imaging systems of the type described in the Osseo Patents have paid Osseo for the right to make and sell such systems. In addition, Osseo brought an action against Planmeca USA, Inc. in the U.S. District Court for the District of Delaware, 17-cv-01386-JFB, alleging that Planmeca's ProMax systems with Romexis software ("Planmeca 3D Systems") infringed the Osseo Patents.

15. The Planmeca 3D Systems generated tomographic models of dental structures using cone beam computed tomography. (*See, e.g.*, Planmeca 3D Imaging Brochure at pages 4-7, 10-11, 14-19, 24-25, and 30-31, <http://brochurekit.planmeca.com/#.>) The Planmeca 3D Systems generated digital x-ray images and merged them into tomographic models which included quantitatively calculated bone density values with the use of a microprocessor. (*See, e.g.*, Planmeca Romexis User's Manual, March 2023, at pages 7, 183, 203, 288-289, and 443, <https://manualkit.planmeca.com/#.>) The tomographic models were received, stored, and displayed on an output device such as a PC running the Romexis

software. (See, e.g., Planmeca 3D Imaging Brochure at pages 28-33, <http://brochurekit.planmeca.com/#.>)

16. In August 2022, a jury found that the Planmeca 3D Systems infringed one or more claims from each of the Osseo Patents, found such claims to be valid, and awarded Osseo damages in the amount of \$2,300,000.

THE CARESTREAM DENTAL IMAGING SYSTEMS

17. Carestream sold and offered for sale during the Damages Period¹ a family of 3D dental imaging systems referred to as the Carestream 3D X-Ray Family, which included the Carestream CS 9600, CS 9300, CS 9000, CS 8200 3D, and CS 8100 3D family of scanners. Carestream further sold and offered for sale during the Damages Period software for use with the Carestream 3D X-Ray Family, which included the CS Imaging and CS 3D Imaging Software (together, the “Carestream Software”) and provided a computerized device such as a laptop or workstation on which the Carestream Software was installed (the Carestream 3D X-Ray Family, Carestream Software, and computerized device referred to herein as the “Accused Systems”).

¹ The “Damages Period” is defined as February 1, 2017 through December 1, 2019. The parties agreed to a tolling agreement which included several amendments that resulted in a damages tolling period that spanned November 1, 2022 through April 15, 2023.

18. The Accused Systems were operable to produce three-dimensional X-ray models of a patient's dental structure using cone beam computed tomography. The Carestream 3D X-Ray Family generated digital x-ray images and merged them into tomographic models which included quantitatively calculated bone density values with the use of a microprocessor. The tomographic models were received, stored, and displayed on an output device on the computerized device provided by Carestream running the Carestream Software.

19. The Carestream Software also allowed a user to observe the bone density values calculated by the Accused Systems. For instance, the CS 3D Imaging Software displayed a relative density number when a user moved the cursor over the regions of interest in a multi-planar reformatting view. The relative density number displayed by the CS 3D Imaging Software could be used to compare density within a volume. Further, the CS 3D Imaging Software displayed a number in the bottom right-hand corner of the implant module using the Curved Slicing tool. This number changed as a user moved the cursor around the 3D tomographic model on the screen of Carestream Device.

20. Carestream sold and offered for sale the Accused Systems throughout the United States during the Damages Period.

COUNT I

Infringement of United States Patent No. 6,381,301 by Carestream

21. Osseo re-alleges and incorporates by reference the foregoing allegations as though fully set forth here.

22. All the elements of at least claims 1-8 and 10-19 of the '301 Patent were embodied in the Accused Systems. This is demonstrated at least with regard to claim 1 of the '301 Patent in *Exhibit C* hereto. Carestream thus directly infringed the '301 Patent during the Damages Period by having made, used, sold, and/or offered to sell the Accused Systems throughout the United States.

23. Pursuant to 35 U.S.C. § 271(a), Carestream is liable for direct infringement of the '301 Patent, including without limitation claims 1-8 and 10-19, by having made, used, offered for sale or sold the Accused Systems in the United States.

24. As a result of Carestream's acts of infringement of the '301 Patent, Osseo has suffered injury to business and property in an amount to be determined as damages.

COUNT II

Infringement of United States Patent No. 8,498,374 by Carestream

25. Osseo re-alleges and incorporates by reference the foregoing allegations as though fully set forth here.

26. All the elements of at least claims 1, 3, 6, 7, 9, 12, 13, and 21 of the '374 Patent were embodied in the Accused Systems. This is demonstrated at least with regard to claim 1 of the '374 Patent in *Exhibit D* hereto. Carestream thus directly infringed the '374 Patent during the Damages Period by having made, used, sold, and/or offered to sell the Accused Systems throughout the United States.

27. Pursuant to 35 U.S.C. § 271(a), Carestream is liable for direct infringement of the '301 Patent, including without limitation claims 1-21, by having made, used, offered for sale or sold the Accused Systems in the United States.

28. As a result of Carestream's acts of infringement of the '374 Patent, Osseo has suffered injury to business and property in an amount to be determined as damages.

PRAYER FOR RELIEF

WHEREFORE, OSSEO prays for judgment and relief as follows:

- A. A declaration that Carestream has infringed the Osseo Patents;
- B. An award of damages adequate to compensate Osseo for the infringement of the Osseo Patents by Carestream;
- C. An award of pre-judgment and post-judgment interest on the damages caused by reason of Carestream's infringement of the Osseo Patents;
- D. An award of attorney fees, costs, and expenses to Osseo; and

E. A grant to Osseo of such other and further relief as the Court may deem just and proper.

Dated: July 14, 2023

ADVANCED TECHNOLOGY LAW

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DEMAND FOR JURY TRIAL

Osseo Imaging, LLC demands trial by jury on all claims and issues so triable.

Dated this 14th day of July 2023.

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